

## **REMARKS**

In the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a). Claims 38, 41, 54, 46, 49 and 52 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-3, 5-12, 28, 31-34, 41, 45, 46, 49, 52, 59, 6-64, 67 and 69 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-3, 5, 6, 8-12, 28, 31-34, 41, 59, 62-64, 67 and 69 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,559,256 (Lemelson). Additionally, claims 1-3, 5, 6, 8-12, 28, 31-34, 41, 45, 46, 49, 52, 59, 62, 63, 67 and 69 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,688,084 (Fritz et al.). Claims 1-3, 5-12, 28, 31-34, 41, 45, 46, 49, 52, 59, 62-64, 67 and 69 were rejected under 35 U.S.C. 102(a) as being anticipated by WO 02/00388 A1. Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,559,256 in view of U.S. Patent No. 3,854,889 (Lemelson). Finally, claim 38 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,559,256 in view of U.S. Patent No. 5,688,084 and over U.S. Patent No. 6,826,821 (Geiger et al.) in view of U.S. Patent No. 5,688,084.

In response to the objection to the drawings and rejection of claims 38, 41, 45, 46, 49 and 52 under 35 U.S.C. 112, first paragraph, the tool slide 4 shown in Figure 21 can carry out any movement without the work piece colliding with the spindle. The spindle 30 is movably supported on a slide which can be moved in the direction of the working room and back. Of course, when a work piece is picked up by the slide, and is positioned or moved, respectively, in the working room, the spindle has also to be positioned accordingly. For that the description of Fig. 21 is referred to where the operations concerning mobility are described. These explanations

start on page 45, end of the last paragraph, and continue until page 47, end of the second paragraph. Here it can be seen clearly that the view shown in detail in Fig. 21 is shown in a top view schematically in Fig. 22. There it reads that the work piece 2 is positioned either directly or immediately above a work piece carrier 5 between the two towers 100, 101, and is then gripped by each of the work piece slides 4, 4'. The work piece spindle 30 can move along the Z- and X-axis. The Y-axis is presented by the work piece slide guide at the towers 100, 101. This text passage is in the English version of the description on page 45, starting with the second paragraph, and ends on page 46 after the fourth paragraph. Figs. 22 and 23 are detail views or schematic views, respectively, of Fig. 21, and are also described in this way. A collision between the spindle and the work piece during positioning and machining does not occur. This can be seen clearly in the above-cited text passages.

Claim 38 claims that the work piece slide carries a tool magazine for the machining unit. For that purpose the work piece slide can be positioned accordingly for a tool change at the machining unit 3. For that purpose then also, of course, the movement as defined in claim 1, namely along the Y-axis, is used. This shifting is carried out here along the guide lines for the work piece slide 4 at the towers 100 and 101 which can be also seen clearly in Fig. 21. Of course, for that the spindle 30 is moved in a set-back position in order to allow a collision-free movement of the work piece slide 4. In Fig. 24 it is shown schematically how the work piece slide 4 carries a tool magazine, and how these can be lead collision-free to the spindle 30. For example, they are orientated here parallel to this spindle 30. For example, they are orientated here parallel to this spindle only by means of the Y-movement. The necessary movement for engaging the tool will then probably be realized by the spindle 30 or the movement of the

machining unit 3 in the direction of the Z-axis. Also positioning in the direction of the X-axis is carried out by the machining unit 3. Therefore it should be clear now how the passing is carried out. Concerning the collision-free mobility additionally Fig. 24 is referred to which also shows parts of the movement processes.

In claim 41 it is explained that the relative movement Y of the work piece slide 4 serves for engaging or releasing, respectively, of the work piece 2 or the work piece carrier 5 from the work piece slide 4. Thus the work piece slide 4 does not grip part of itself but either the work piece 2 or the work piece carrier 5.

Referring to the collision-free movement of the work piece slide 4 with regard to the spindle 30 the previous explanations are referred to, and for that in particular to Fig. 24 which shows that very clearly.

In response to paragraph 6 of the Office Action, for example, in claim 2 it is described that the tool spindle can be moved relatively to the work piece slide. The work piece slide is, of course, as claimed in claim 1, moveable along the Y-axis. The tool spindle 30 or the machining unit 3, respectively, provides the other X- and Z-axis necessary for machining. Thus claim 2 is not contradictory to claim 1. It rather says clearly that here the tool spindle provides the two other necessary axes of movement, and not the work piece slide.

In order to delimit the present invention from the cited patents to Lemelson (U.S. Patent No. 3,559,256) and Fritz et al. (U.S. Patent No. 5,688,084), claim 1 has been amended as a combination of the claims 1 and 6. According to amended claim 1, the work piece carriage (4) is guided in a stand (10) or tower (100). This embodiment is not found in either of the objecting citations.

In Lemelson the work pieces are moved horizontally by the conveying device. The directions of movement for machining are provided by the machining tool or the machining unit, respectively. The work piece remains during machining on the machining line. The same goes for the citation by Fritz et al. (U.S. Patent No. 5,688,084) which does not show such a solution, either. Rather it is clear that the work piece is arranged for machining on a machining table. According to this solution the work piece cannot be moved in a Y-direction. Therefore the subject matter of amended claim 1 has been changed in a way that is new and non-obvious.

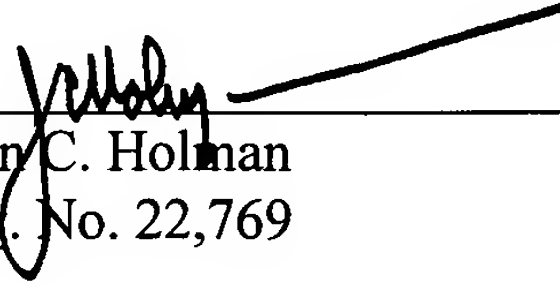
Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

By: \_\_\_\_\_

  
John C. Holman  
Reg. No. 22,769

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666  
Date: January 10, 2006  
JLS/arc